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DE RUCNDT #0433 1351636
ZNR UUUUU ZZH
P 141636Z MAY 08
FM USMISSION USUN NEW YORK
TO RUEHC/SECSTATE WASHDC PRIORITY 4277
INFO RUEHVI/AMEMBASSY VIENNA 0506

UNCLAS USUN NEW YORK 000433

SIPDIS

DEPT FOR IO/UNP

E.O. 12958: N/A

TAGS: CVIS UN

SUBJECT: UN LEGAL COUNSEL COMPLAINS ABOUT VISA DELAY

¶1. This is an action request for the Department. USUN requests guidance for a reply to UN Legal Counsel Nicolas Michel who sent Ambassador Khalilzad a letter complaining that the host country did not issue an official visa in time to permit UNIDO Legal Adviser Behrouz Moradi (an Iranian national) to attend a meeting of UN system legal advisers that took place on April 3-4, 2008. According to the letter, Moradi applied for his G-4 visa in Vienna on January 20, 2008. Text of Michel's letter follows.

¶2. Begin Text:

Excellency,

I would like to bring to your attention a matter which has had a serious impact on an important aspect of the work of the Office of Legal Affairs. To my dismay, Mr. Behrouz Moradi, the Legal Adviser of the United Nations Industrial Development Organization (UNIDO) was unable to attend the recent Meeting of the Legal Advisers of the United Nations system due to the fact that an entry G-4 visa was not issued to him in time by the competent US authorities.

As you may know, the meeting was held on my initiative, as the Legal Counsel of the United Nations, in the premises of the World Bank in Washington D.C., on 3 and 4 April 2008. Meetings of the Legal Advisers are convened on a regular basis. They serve an essential purpose in my role as coordinator of senior legal policy makers throughout the United Nations system, of which, you will appreciate, UNIDO is an integral part. It is imperative that the Legal Advisers of all United Nations specialized agencies and related Organizations be present at such meetings. In fact, there has been no single instance in the past where participation in such critical meetings in other countries was hindered by an untimely issuance of entry visas by the host States to participants.

In this connection, I would like to stress that Mr. Moradi's attendance at the Washington meeting was of the utmost importance as he was due to give a key presentation to the Legal Advisers on certain significant legal issues of particular relevance to the United Nations system. As the convener of this meeting of Legal Advisers, I sincerely regret to inform you that the failure on the part of United States officials to issue a timely visa had a negative impact on the work to be achieved at the meeting and this prevented the meeting from achieving its intended objectives.

Mr. Moradi, an Iranian national had submitted his application for a G-4 visa to the United States Embassy in Vienna on 20 January 2008, well in advance of the meeting date. On 28 January 2008, he was interviewed by a Consular Officer and submitted an additional form (DS-157) as requested by that Officer. In addition, at the request of the Consular Section of the United States Embassy in Vienna, on 12 February 2008, he dutifully provided a detailed curriculum vitae and, on 26 March 2008, he additionally provided the numbers of his previously issued passports.

I deeply regret that the competent United States authorities, whilst in possession of all the information requested of Mr. Moradi and fully aware of the dates of this important meeting, were only able to issue the visa late in the afternoon of 2 April, which made it practically impossible for him to finalize his travel arrangements so as to meaningfully participate in, and make his presentation to, the meeting.

Whilst I appreciate the efforts of the United States Mission in liaising with their competent authorities in Washington D.C. and Vienna to obtain the issuance of a visa for Mr. Moradi, it was still not issued in a timely fashion. I trust that in the future, the competent United States authorities will issue visas expeditiously in order to ensure that the United Nations can discharge its functions efficiently, effectively and without undue interference.

Please accept, Excellency, the assurances of my highest consideration. End Text.

Khalilzad